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No. 08-1472

Supreme Court, U.S.
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In The

Supreme Court of the United States

USA MOBILITY WIRELESS, INC.,

Petitioner,

v.

JERILYN QUON; APRIL FLORIO;
JEFF QUON; STEVE TRUJILLO,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

RESPONSE TO CONDITIONAL CROSS-PETITION FOR A WRIT OF CERTIORARI

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City of Ontario, Ontario Police Department, and Lloyd Scharf ("City Petitioners") are petitioners in Case No. 08-1332. That petition is the basis for the Conditional Cross-Petition for a Writ of Certiorari filed by USA Mobility Wireless, Inc. in the instant case. City Petitioners do not oppose the Conditional Cross-Petition, which raises only an issue under the Stored Communications Act, 18 U.S.C. §§ 2701-2712. The Petition for a Writ of Certiorari filed by City Petitioners does not address that issue because City Petitioners prevailed in the trial court on the Stored Communications Act claims against them, and plaintiffs and appellants below did not thereafter pursue any Stored Communications Act claims against City Petitioners on appeal. See Appendix in Case No. 08-1332 at 11 n.3 (Ninth Circuit opinion noting that plaintiffs and appellants did not raise, and therefore waived, any Stored Communications Act claims against City Petitioners on appeal).

Respectfully submitted,

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